

ZONING AND ADJUSTMENT BOARD

April 16, 2007

The Zoning and Adjustment Board of Sumter County, Florida, convened on Monday, April 16, 2007, at 6:30 pm with the following members present: Larry Story – Chairman, Ron Berry, Frank Topping, Richard Cole, Marge Thies, Frank Szczepanski, Dossie Singleton, Nathan Yoder, Woody Hill, Brad Shepherd and Todd Brown.

Bailey Cassels was absent.

Lee Hawkins - Zoning and Adjustment Board Attorney, Sandy Cassels - Secretary, and Brad Cornelius - Planning Manager, were present.

Chairman Larry Story called the meeting to order with Mr. Berry leading the pledge of allegiance and the prayer.

Mr. Story presented the proof of publication.

Mr. Cole made a motion to approve the minutes from the April 2, 2007, meeting. Mr. Berry seconded the motion and the motion carried.

S2007-0009

Ronald Brown – Major Special Use Permit to allow a 120 bed nursing home

Mr. Cornelius stated due to an incomplete application submittal the applicant was unable to attend the scheduled Development Review Committee (DRC) meeting, therefore the project was tabled. A motion to table by the Zoning and Adjustment Board (ZAB) is now needed.

Mr. Cole made the motion to table this application until the May 7, 2007 ZAB meeting. Mr. Szczepanski seconded the motion and the motion carried.

T2007-0004

Robert & Jaye Godin – Renewal of a Temporary Use Permit for one (1) year while residence is under construction.

Robert Godin, applicant, was present and requesting a renewal of a Temporary Use Permit for one (1) year to allow a RV while the residence is under construction. There were eight (8) notices sent. Of the eight (8) notices sent, one (1) was returned in favor and none were returned in objection. There were no objections from the audience. Mr. Topping asked Mr. Godin the status of the construction. Mr. Godin stated drywall will be hung within the next week.

Mr. Topping made the motion to approve the renewal of the Temporary Use Permit for one year to allow a RV while the residence is under construction. Mr. Cole seconded the motion and the motion carried.

T2007-0005

Joan Howerton – Temporary Use Permit for three (3) years to allow a care giver's residence.

Joan Howerton, applicant, was present and requesting a renewal of a Temporary Use Permit to allow a mobile home for a care giver's residence. There were eight (8) notices sent. Of the eight (8) notices sent, two (2) were returned in favor and none were returned in objection. There were no objections from the audience.

Mr. Topping made the motion to approve the renewal of the Temporary Use Permit for three (3) years to allow a mobile home for a care receiver's giver's. Mr. Szczepanski seconded the motion and the motion carried.

SS2007-0004

Joseph & Tammy Teolis – Small Scale Land Use Amendment on 0.53 acres MOL from Rural Residential to Commercial.

Joseph Teolis, applicant, was present and requesting a Small Scale Land Use Amendment on 0.53 acres MOL from Rural Residential to Commercial. There were three (3) notices sent. Of the three (3) notices sent, one (1) was returned in favor and none were returned in objection. There were no objections from the audience. Mr. Cole asked Mr. Teolis what his plans for the property were, in which Mr. Teolis stated he does not have definite plans for the property at this time.

Mr. Topping made the motion to recommend approval of the Small Scale Land Use Amendment to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2007-0016

Joseph & Tammy Teolis – Rezone 0.53 acres MOL from RR (Rural Residential) to CH (Heavy Commercial)

Joseph Teolis, applicant, was present and requesting a rezoning on 0.53 acres MOL from RR (Rural Residential) to CH (Heavy Commercial). There were three (3) notices sent. Of the three (3) notices sent, one (1) was returned in favor and none were returned in objection. There were no objections from the audience. Mr. Szczepanski asked the applicant if he would be willing to amend his application to CL (Light Commercial). Mr. Teolis stated he did not object to amending his application to CL, and changed his request to amend the application from CH to CL.

Mr. Topping made the motion to recommend approval of the rezoning to CL to the Board of County Commissioners. Mr. Szczepanski seconded the motion and the motion carried.

R2007-0014

Dwight R. & Kathleen Russell – Rezone 1.5 acres MOL from a non-compliant RR5 to RR1.

Dwight Russell, applicant, was present and requesting a rezoning on 1.5 acres MOL from non-compliant RR5 to RR1. There were seven (7) notices sent. Of the seven (7) notices sent, one (1) was returned in favor and none were returned in objection. There were no objections from the audience. Mrs. Cassels explained the applicant requested zoning information which is how the non-compliant zoning was discovered. This parcel was originally rezoned in 1984 with the parent parcel. However, it should have been rezoned to RR1 at that time. The request is to correct the non-compliant zoning.

Mr. Topping made a motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2007-0015

Scott Hesler – Rezone 2 acres MOL from a non-compliant A5 & RR1C to RR1C.

Scott Hesler, applicant, was present and requesting a rezoning on 2 acres MOL from non-compliant A5 & RR1C to RR1C to complete a lineal transfer. There were three (3) notices sent. Of the three (3) notices sent, two (2) were returned in objection and none were returned in favor. There were no objections from the audience. Mrs. Cassels read the letters of objection into the record. Mr. Cole asked Mr. Hesler what his plans are for the property, in which Mr. Hesler stated he intends to build a conventional home on the property. Mr. Cornelius noted that the lineal transfer occurred prior to the effective date of the new lineal transfer requirements. Mr. Cornelius also stated that the deed for the property prohibits mobile homes.

Mr. Topping made a motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried.

R2007-0017

Eartha Taylor – Rezone 0.38 acres MOL from a non-compliant R1 to R4M.

Tamala Jones, representative for the applicant, was present and requesting a rezoning on 0.38 acres MOL from non-compliant R1 to R4M. There were six (6) notices sent. Of the six (6) notices sent, one (1) was returned in favor and none were returned in objection. There was one objection from the audience. Mr. Dixon stated he is opposed to this rezoning because he doesn't want a mobile home across the street from him.

Mr. Topping made a motion to recommend approval of the rezoning to the Board of County Commissioners. Mr. Cole seconded the motion and the motion carried with a roll call vote: Nathan Yoder – aye, Ron Berry – aye, Richard Cole – aye, Frank Topping – aye, Brad Shepherd – nay, Larry Story – aye, Todd Brown – aye, Woody Hill – aye, Dossie Singleton – aye, Frank Szczepanski – aye, Marge Thies – aye.

C2007-0002

Franklin & Ruth Dixon, Etal – Rinker/Florida Crushed Stone, St. Catherine – Conditional Use Permit to allow a mine extension on 967 acres MOL

Mr. Cole made a motion to remove this application from the table. Mr. Szczepanski seconded the motion and the motion carried. Mr. Cole stated he toured the mine. Mr. Berry and Mr. Szczepanski stated they had also toured the mine, each separately. Mr. Berry also stated he received an e-mail from one of the neighbors in objection. Each of the board members stated they received the same e-mail, which was placed into the record.

Steve Richey, attorney for the applicant, was present and requesting a Conditional Use Permit to allow a mine extension on 967 acres MOL. There were 46 (forty-six) notices sent. Of the 46 (forty-six) notices sent, fourteen (14) notices were returned in objection and none were returned in favor. There were objections from the audience.

Ms. Thies asked Mr. Richey if there have been any complaints with the Rinker/Florida Crushed Stone Center Hill mine since the expansion of that mine last year. Mr. Richey asked Mr. Travis Wellman from Rinker/Florida Crushed Stone to answer this question. Mr. Wellman stated there have not been any complaints from the citizens who surround the mine.

Mr. Richey explained the existing St. Catherine mine has 500 acres that are vested from 1993. The remainder of the property not mined is required to meet the Mining Ordinance. Mr. Richey also explained Rinker/Florida Crushed Stone is allowed to mine a maximum of 10 acres a year on the vested portion of the mine.

Mr. Mark Stephens, Colinas Group, explained Rinker/Florida Crushed Stone is requesting an extension for the mining operations. Mr. Stephens explained Rinker is requesting four (4) quarries with no increase in production. The production will be completed in a quarry before another is started. The same equipment will be used for the new quarry that is being utilized at this time. Mr. Stephens also stated the entrance and scale house will be the same ones that are being used now. Mr. Stephens explained the setbacks Rinker is proposing are greater than what the county requires. He also explained how the berms will be placed as the mining operation moves from quarry to quarry. Mr. Stephens also explained Rinker is working with the community to put in place a "Quarry Advisory Committee" to discuss plans on the berms and other mine operation issues. Mr. Stephens explained the dewatering process, well monitoring, and spill plan.

Mr. Jeff Straw, GeoSonics, discussed blasting and its impacts on the surrounding property including structures and wells. Mr. Straw also discussed the blasting times allowed by the State Fire Marshall, which regulates the blasting at mines. Mr. Straw explained the explosives are kept off-site and only brought to the mine at the time of blasting. Mr. Straw discussed the bonds required. Mr. Dave Teasdale, HAAG Engineering, discussed the standard for damage from blasting.

Mr. Brendall Campbell, Rinker/Florida Crushed Stone, St. Catherine Mine, Manager, discussed the traffic circulation to and from the mine, dust from the roads, and the call list for surrounding residents for blasting.

Mr. Jack Sullivan, Carlton Fields, discussed where mines can be placed according to the Sumter County Comprehensive Plan. Mr. Sullivan also discussed general mining activities and how they relate to the Comprehensive Plan.

Mr. Brian Martin, Fishkind & Associates, discussed the financial impact the mine has on the local economy.

Audience members spoke in objection to the mine due to concerns regarding blasting, traffic, location of the berm, damage to wells, structural damage, property values, and the take over of Rinker by Cemex.

Mr. Cornelius, discussed the differences between the Conditional Use Permit, which is what Rinker is now seeking, and the Operating Permit, which will detail the mining operation. Mr. Cornelius explained in the Operating Permit the number of acres to be mined per year, the number of years the mine can operate, and other specific conditions will be applied with the Operating Permit. He also explained the Zoning and Adjustment Board can make other recommendations to the Board of County Commissioners for the Operating Permit.

Mr. Topping made a motion to recommend approval of the Conditional Use Permit to the Board of County Commissioners with recommended staff conditions. Mr. Cole seconded the motion and the motion carried with a roll call vote: Nathan Yoder – aye, Ron Berry – aye, Richard Cole – aye, Frank Topping – aye, Brad Shepherd – aye, Larry Story – aye, Todd Brown – aye, Woody Hill – aye, Dossie Singleton – aye, Frank Szczepanski – aye, Marge Thies – nay.

Ms. Thies made a motion to adjourn the meeting at 10:45 p.m. Mr. Cole seconded the motion and the motion carried.

Larry Story, Chairman
Zoning and Adjustment Board